

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DEAWENDOE O. ST. MARTIN,

Plaintiff,

vs.

COMMISSIONER,
Social Security Administration,

Defendant.

Case No. 6:21-cv-01140-CL

ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR
ATTORNEY FEES PURSUANT TO 42
U.S.C. § 406(b)

Plaintiff Deawendoe O. St. Martin brought this action seeking review of the Commissioner's final decision denying her application for disability benefits under the Social Security Act. The Court reversed the Commissioner's decision and remanded the case for an award of benefits. The Commissioner subsequently found Plaintiff entitled to Social Security benefits beginning September 2017.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). The Commissioner neither supports nor opposes counsel's request for attorney's fees. I have reviewed the record in this case, the motion, and the supporting materials, including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the

standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds that the requested fees are reasonable.

Plaintiff's Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is hereby GRANTED, and Plaintiff's counsel is awarded \$14,305.50 in attorney's fees under 42 U.S.C. § 406(b), representing 25% of Plaintiff's total unpaid retroactive benefits.

In accordance with agency policy, the Commissioner is instructed to make a direct payment of the award of \$14,305.50, less any applicable processing or user fees prescribed by statute, to Plaintiff's attorney, Katherine L. Eitenmiller, at WELLS, MANNING, EITENMILLER & TAYLOR, P.C., from benefits the Social Security Administration has withheld from Plaintiff's past due benefits. Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant.

IT IS SO ORDERED this 15 day of July 2024.



MARK D. CLARKE
United States Magistrate Judge